

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ADIRONDACK INSURANCE EXCHANGE,

Plaintiff,

v.

HSBC BANK, USA, N.A. ISAOA;
STEVEN A. BRESLER; and GERRY-LYNN STOHR
a/k/a or f/k/a GERRY-LYNN BRESLER,

Defendants.

**STIPULATION OF
WITHDRAWAL AS TO
CERTAIN CLAIMS**

Civil Action No.:
1:23-cv-01397-TJM/DJS

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned attorneys for all parties who have appeared in this action, that the following are hereby withdrawn, with prejudice to the extent expressly conceded, and without costs or fees to any party:

- (1) Plaintiff's First Cause of Action;
- (2) any claim by Plaintiff that defendant HSBC Bank, USA, N.A. ("HSBC Bank") breached "SECTION I - CONDITIONS", "K. Mortgage Clause" of the subject insurance policy (as set forth in Plaintiff's Second Affirmative Defense to HSBC Bank's Counterclaim and elsewhere);
- (3) any claim by Plaintiff that defendant HSBC Bank is precluded from coverage due to alleged material misrepresentations by Steven Bresler in the application for insurance (as set forth in Plaintiff's Second Affirmative Defense to HSBC Bank's Counterclaim and elsewhere); and

(4) any other allegation set forth in the initiatory or responsive pleadings by Plaintiff asserting material misrepresentations in the application for insurance by Steven Bresler, *to wit.*: Plaintiff's Second Affirmative Defense to Steven Bresler's Counterclaim, as well the Third Affirmative defense to Steven Bresler's Counterclaim but only to the extent it incorporates the First Cause of Action in the Plaintiff's Complaint (material misrepresentations in the application for insurance by Steven Bresler).

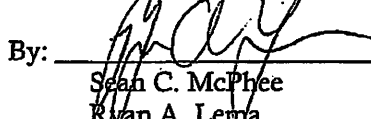
HURWITZ FINE, P.C.



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Dated: Buffalo, New York
September 26, 2024

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Dated: Buffalo, New York
September 30, 2024

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By: 

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Dated: New York, New York
September 4, 2024

SO ORDERED:


Hon. Daniel J. Stewart, U.S.M.J.